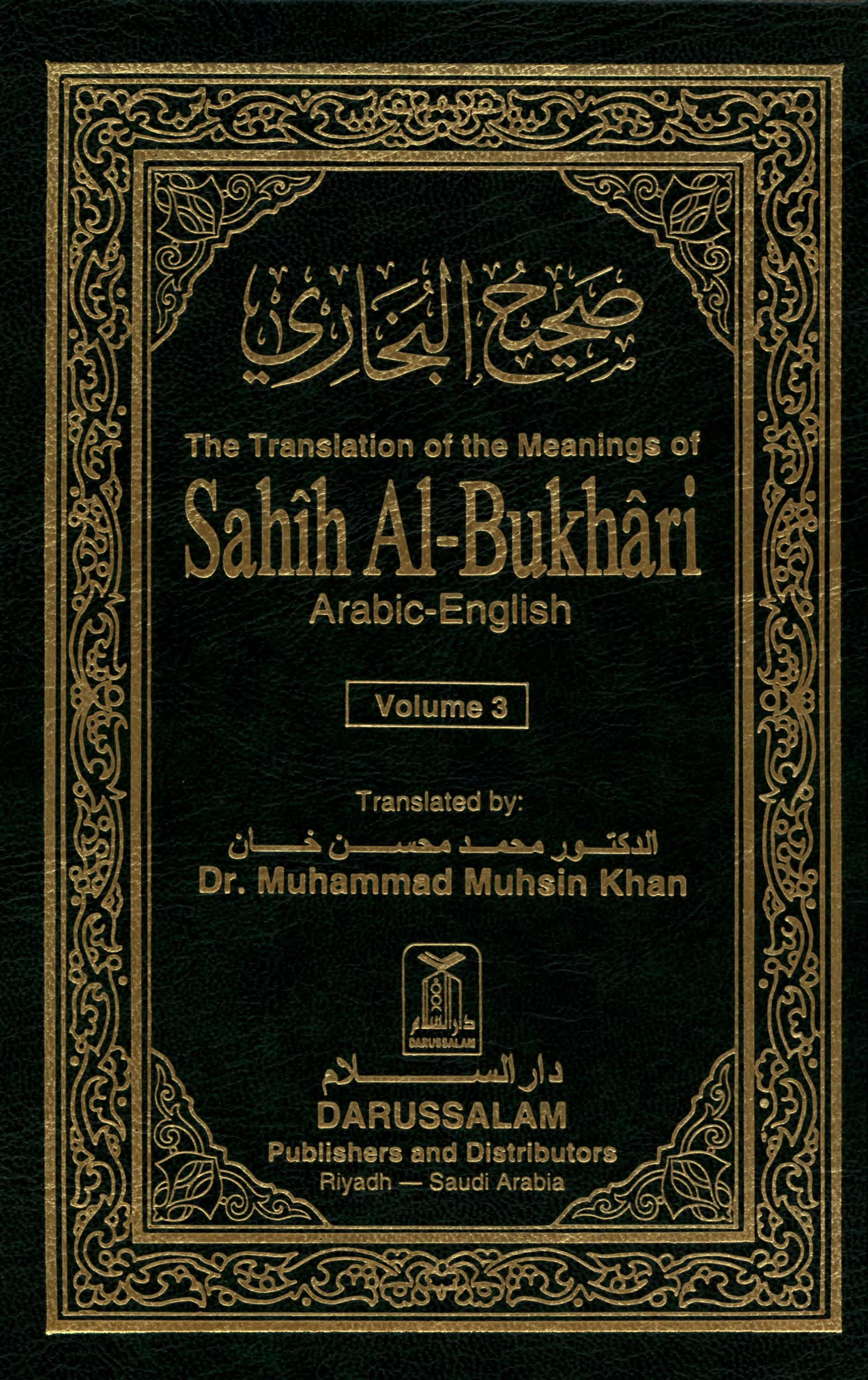

صحيح البخاري
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Arabic-English
Volume 3
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Arabic-English

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دار السلام
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٥٤ - كتاب الشروط

(1) CHAPTER. The conditions permissible on embracing Islām,[1] and in contracts and transactions.

2711, 2712. Narrated Marwān and Al-Miswar bin Makhrama رَضِيَ اللهُ عَنْهُما from the Companions of Allāh's Messenger ﷺ : When Suhail bin 'Amr agreed to the Treaty (of Ḥudaibīya), one of the things he stipulated then, was that the Prophet ﷺ should return to them (i.e., the *Al-Mushrikūn*) anyone coming to him from their side, even if he was a Muslim; and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it. Suhail did not agree except with that condition. So, the Prophet ﷺ agreed to that condition and returned Abū Jandal to his father Suhail bin 'Amr. Thenceforth the Prophet ﷺ returned everyone in that period (of truce) even if he was a Muslim. During that period some believing women emigrants including Umm Kulthūm bint 'Uqba bin Abū Mu'aiṭ who came to Allāh's Messenger ﷺ and she was a young lady then. Her relative came to the Prophet ﷺ and asked him to return her, but the Prophet ﷺ did not return her to them for Allāh had revealed the following Verse regarding women:

"...When believing women come to you as emigrants, examine them, Allāh knows best as to their Faith.. (up to).. nor are the disbelievers lawful (husbands) for them..." (V.60:10)

(١) بابُ ما يَجُوزُ مِنَ الشُّرُوطِ في الإسْلامِ والأحْكامِ والمُبايَعَةِ

٢٧١١، ٢٧١٢ - حَدَّثَنا يَحْيى بنُ بُكَيرٍ: حدَّثَنا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابنِ شِهابٍ قالَ: أخْبَرَني عُرْوَةُ بنُ الزُّبَيرِ: أنَّهُ سَمعَ مَرْوَانَ والمِسْوَرَ بنَ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُما يُخْبِرَانِ عَنْ أصْحابِ رَسُولِ اللهِ ﷺ قالَ: لَمَّا كاتَبَ سُهَيْلُ بنُ عَمْرٍو يَوْمَئِذٍ كانَ فِيما اشْتَرَطَ سُهَيْلُ بنُ عَمْرٍو على النَّبيِّ ﷺ: أنَّهُ لا يأتِيكَ مِنَّا أحَدٌ وإنْ كانَ عَلى دِينِكَ إلَّا رَدَدْتَهُ إلَيْنا وخَلَّيْتَ بَيْنَنا وبَيْنَهُ. فَكَرِهَ المُؤْمِنُونَ ذٰلكَ وامْتَعَضُوا مِنْهُ، وأبَى سُهَيْلٌ إلَّا ذٰلكَ فَكاتَبَهُ النَّبيُّ ﷺ عَلى ذٰلكَ فَرَدَّ يَوْمَئِذٍ أبا جَنْدَلٍ إلى أبِيهِ سُهَيْلِ بنِ عَمْرٍو، ولَمْ يأتِهِ أحَدٌ مِنَ الرِّجالِ إلَّا رَدَّهُ في تِلْكَ المُدَّةِ وإنْ كانَ مُسْلِماً. وجاءَتِ المُؤْمِناتُ مُهاجِرَاتٍ وكانَتْ أُمُّ كُلْثُومٍ بِنْتُ عُقْبَةَ بنِ أبي مُعَيطٍ ممَّنْ خَرَجَ إلَى رَسُولِ اللهِ ﷺ يَوْمَئِذٍ وهِيَ عاتِقٌ، فجاءَ أهْلُها يَسْألُونَ النَّبيَّ ﷺ أنْ يَرْجِعَها إلَيهِمْ فَلَمْ يَرْجِعْها إلَيهِمْ لِما أنْزَلَ اللهُ فِيهِنَّ ﴿إذَا جَآءَكُمُ

(1) (Ch. 1) Some conditions are permissible, others are not; for example, a non-Muslim on embracing Islām has the right to stipulate that he shall not be ordered to move from one country to another, but he cannot stipulate that he may not perform the *Ṣalāt* (prayers). (*Fatḥ Al-Bārī*)

﴿ٱلْمُؤْمِنَٰتُ مُهَٰجِرَٰتٍ فَٱمْتَحِنُوهُنَّ ٱللَّهُ أَعْلَمُ بِإِيمَٰنِهِنَّ﴾ إلى قَوْلِهِ: ﴿وَلَا هُمْ يَحِلُّونَ لَهُنَّ﴾ [الممتحنة: ١٠]. [راجع: ١٦٩٤، ١٦٩٥]

2713. Narrated 'Urwa: 'Āishah told me, "Allāh's Messenger ﷺ used to examine them according to this Verse:

'O you who believe! When believing women come to you as emigrants, examine them... (upto)... Oft-Forgiving, Most Merciful.'" (V.60:10-12)

'Āishah رَضِيَ اللهُ عَنْها said, "When any of them agreed to that condition[1] Allāh's Messenger would say to her, 'I have accepted your *Bai'a* (pledge).' He would only say that, but, by Allāh he never touched the hand of any woman (i.e., never shook hands with them) while taking the *Bai'a* (pledge) and he never took their *Bai'a* (pledge) except by his words (only)."

٢٧١٣ - قال عُرْوَةُ: فأخبرَتْني عائِشَةُ أنَّ رَسُولَ اللهِ ﷺ كانَ يَمْتَحِنُهُنَّ بِهٰذِهِ الآيَةِ ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ إِذَا جَآءَكُمُ ٱلْمُؤْمِنَٰتُ مُهَٰجِرَٰتٍ فَٱمْتَحِنُوهُنَّ﴾ إلى ﴿غَفُورٌ رَّحِيمٌ﴾ قالَ عُرْوَةُ: قالَتْ عائِشَةُ: فَمنْ أقرَّ بِهذا الشَّرْطِ مِنْهُنَّ قالَ لَها رَسُولُ اللهِ ﷺ: «قَدْ بايَعْتُكِ»، كَلاماً يُكَلِّمُها بِهِ، واللهِ ما مَسَّتْ يَدُهُ يَدَ امْرَأةٍ قَطُّ في المُبايَعَةِ وما بايَعَهُنَّ إلَّا بِقَوْلِهِ. [انظر: ٢٧٣٣، ٤١٨٢، ٤٨٩١، ٥٢٨٨، ٧٢١٤]

2714. Narrated Jarir رَضِيَ اللهُ عَنْه: When I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ, he stipulated that I should be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Isam has forbidden), and to help them, to be kind and merciful to them].

(See H. 57 and its chapter)

٢٧١٤ - حَدَّثَنا أبُو نُعَيم: حدَّثَنا سُفْيانُ، عَنْ زِيادِ بنِ عِلاقَةَ قالَ: سَمِعْتُ جَرِيراً رَضِيَ اللهُ عَنْهُ يَقُولُ: بايعتُ رَسُولَ اللهِ ﷺ فاشترَطَ عليَّ: «والنُّصْحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

2715. Narrated Jarīr bin 'Abdullāh رَضِيَ اللهُ عَنْهُ: I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for *Iqāmat-aṣ-Ṣalāt*,[2] paying

٢٧١٥ - حَدَّثَنا مُسَدَّدٌ: حدَّثَنا يَحْيَى، عَنْ إسمَاعِيلَ قالَ: حدَّثني

(1) (H. 2713) The condition mentioned in the Verse, i.e., that they will not associate anything in worship with Allāh, that they will not steal, that they will not commit illegal sexual intercourse, that they will not kill their children, that they will not utter slander intentionally forging falsehood (i.e., by making illegal children belonging to their husbands), and that they will not disobey you in any *Ma'rūf* (Islamic Monotheism and all that which Islam ordains).... (V.60:12).

(2) (H. 2715) *Iqamāt-aṣ-Ṣalāt*: See the glossary.

the *Zakāt* and to be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Isam has forbidden), and to help them, to be kind and merciful to them].

قَيْسُ ابنُ أبي حازِمٍ، عَنْ جَرِيرِ بنِ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: بايَعْتُ رَسُولَ اللهِ ﷺ عَلى إقامِ الصَّلاةِ وإيْتاءِ الزَّكاةِ والنُّصحِ لِكُلِّ مُسْلِمٍ. [راجع: ٥٧]

(2) CHAPTER. (What is said regarding) the sale of pollinated date-palms.

(٢) بابٌ إذا باعَ نَخْلاً قَدْ أُبِّرَتْ

2716. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنهُما: Allāh's Messenger ﷺ said, "If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary."

٢٧١٦ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: أخْبَرَنا مالكٌ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ بنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ رَسُولَ اللهِ ﷺ قالَ: «مَنْ باعَ نَخْلاً قَدْ أُبِّرَتْ فَثَمَرَتُها للبائعِ إلَّا أنْ يَشْتَرِطَ المُبْتاعُ». [راجع: ٢٢٠٣]

(3) CHAPTER. The conditions of selling.

(٣) بابُ الشُّرُوطِ في البُيُوعِ

2717. Narrated 'Urwa: 'Āishah رَضِيَ اللهُ عَنْهَا told me that Barīra came to seek her help in writing for emancipation and at that time she had not paid any part of her price. 'Āishah said to her, "Go to your masters and if they agree that I will pay your price (and free you) on condition that your *Walā'* will be for me, I will pay the money." Barira told her masters about that, but they refused, and said, "If 'Āishah wants to do a favour she could, but your *Walā'* will be for us."

'Āishah informed Allāh's Messenger ﷺ of that and he ﷺ said to her, "Buy and manumit Barīra as the *Walā'* will go to the manumitter."

٢٧١٧ - حَدَّثَنا عَبْدُ اللهِ بنُ مَسْلَمَةَ: حدَّثَنا اللَّيْثُ، عَنِ ابنِ شِهابٍ، عَنْ عُرْوَةَ: أنَّ عائِشَةَ رَضِيَ اللهُ عَنْها أخْبرَتْهُ أنَّ بَرِيرَةَ جاءَتْ عائِشَةَ تَسْتَعِينُها في كِتابَتِها. ولَمْ تَكُنْ قَضَتْ مِنْ كِتابَتِها شَيْئاً، قالَتْ لَها عائِشَةُ: ارْجِعي إلى أهْلِكِ فإنْ أحَبُّوا أنْ أقْضِيَ عَنْكِ كِتابَتَكِ ويَكُونَ وَلاؤُكِ لي فَعَلْتُ، فَذَكَرَتْ ذٰلكَ بَرِيرَةُ إلى أهْلِها فأبَوْا. وقالُوا: إنْ شاءَتْ أنْ تَحتَسِبَ عَلَيْكِ فَلْتَفْعَلْ ويَكُونَ لَنا ولاؤُكِ. فَذَكَرَتْ ذٰلكَ لِرَسُولِ اللهِ ﷺ فَقالَ لَها: «ابْتاعِي فأعْتِقي فإنَّما الوَلاءُ لِمَنْ أعْتَقَ». [راجع: ٤٥٦]

(4) CHAPTER. It is permissible for the seller to stipulate that he should ride the (sold) animal up to a certain place.

2718. Narrated Jābir رَضِيَ الله عَنْهُ: While I was riding a (slow) and tired camel, the Prophet ﷺ passed by and beat it and prayed for Allāh's Blessings for it. The camel became so fast as it had never been before. The Prophet ﷺ then said, "Sell it to me for one *Uqīya* (of gold)." I said, "No." He again said, "Sell it to me for one *Uqīya* (of gold)." So I sold it and stipulated that I should ride it to my house. When we reached (Al-Madīna) I took that camel to the Prophet ﷺ and he gave me its price. I returned home but he sent for me (and when I went to him) he said, "I was not going to take your camel. So, take your camel as a gift for you."

(Various narrations are mentioned here with slight variations in expressions relating the condition that Jābir had the right to ride the sold camel up to Al-Madīna).

(٤) بابٌ إذا اشْتَرَطَ البائِعُ ظَهْرَ الدَّابَّةِ إلى مَكانٍ مُسَمًّى جازَ

٢٧١٨ - حَدَّثَنا أبو نُعَيم: حدَّثَنا زَكَرِيَّا قالَ: سَمِعْتُ عامِراً يَقُولُ: حدَّثَني جابِرٌ رَضِيَ اللهُ عَنْهُ: أنَّهُ كانَ يَسِيرُ عَلى جَملٍ لَهُ قَدْ أعْيا فَمَرَّ النَّبيُّ ﷺ فَضَرَبَهُ فَدَعا لَهُ فَسارَ سيراً لَيْس يَسِيرُ مِثْلَهُ. ثُمَّ قالَ: «بِعْنِيهِ بأوقِيَةٍ» قُلْتُ: لَا ثُمَّ قالَ: «بِعْنِيهِ بأوقِيَةٍ» فَبِعْتُهُ فاسْتَثْنَيْتُ حُمْلانَهُ إلىٰ أهْلِي. فَلَمَّا قَدِمْنا أتَيْتُه بالجَمَلِ ونَقَدَني ثَمَنَهُ ثُمَّ انْصَرَفْتُ فأرْسَلَ عَلى أَثَري قالَ: «ما كُنْتُ لآخُذَ جَمَلَكَ فَخُذْ جَمَلَكَ ذٰلكَ فَهُوَ مالُكَ». [راجع: ٤٤٣]

قالَ شُعْبَةُ، عَنْ مُغِيرَةَ، عَنْ عامِرٍ، عَنْ جابِرٍ: أفْقَرَني رَسُولُ اللهِ ﷺ ظَهْرَهُ إلىٰ المَدِينَةِ. وقالَ إسحَاقُ عَنْ جَرِيرٍ، عَنْ مُغِيرَةَ: فَبِعْتُهُ عَلى أنَّ لي فقارَ ظَهْرِهِ حَتَّى أبْلُغَ المَدِينَةَ. وقالَ عَطاءٌ وغَيرُهُ: «وَلَكَ ظَهْرُهُ إلى المَدِينَةِ». وقالَ مُحَمَّدُ ابنُ المُنْكَدِرِ، عَنْ جابِرٍ: شَرَطَ ظَهْرَهُ إلى المَدِينَةِ. وقالَ زَيْدُ بنُ أسْلَمَ، عَنْ جابِرٍ: «ولكَ ظَهْرُهُ حتَّى تَرجِعَ». وقالَ أبُو الزُّبَيرِ، عَنْ جابِرٍ: «أفْقَرْناكَ ظَهْرَهُ إلى المَدِينَةِ». وقالَ الأعْمَشُ، عَنْ سالِمٍ، عَنْ جابِرٍ: «تَبلَّغْ بِهِ إلى أهْلِكَ». قال أبو عَبْدِ اللهِ: الاشتراط

أكثر وأصحُّ عندي. وقالَ عُبَيْدُ اللهِ وابنُ إسحاقَ، عَنْ وَهْبٍ، عَنْ جابرٍ: اشْتَرَاهُ النَّبيُّ ﷺ بأوقِيَّةٍ. وتابَعَهُ زَيْدُ بنُ أسْلَمَ، عَنْ جابرٍ. وقالَ ابنُ جُرَيْجٍ، عَنْ عَطاءٍ وغَيرِهِ، عَنْ جابرٍ: أَخَذْتُهُ بأرْبَعَةِ دَنانِيْرَ، وهذا يَكُونُ أوقِيَّةً عَلى حِسابِ الدّينارِ بعَشَرَةِ دراهِمَ. ولَمْ يُبَيِّنِ الثَّمَنَ مُغِيرَةُ، عَنِ الشَّعْبِيّ، عَنْ جابرٍ. وابنُ المُنْكَدِرِ وأبُو الزُّبَيرِ عَنْ جابرٍ. وقالَ الأعْمَشُ، عَنْ سالم، عَنْ جابرٍ: أوقِيَّةُ ذَهَبٍ. وقالَ أبُو إسحَاقَ، عَنْ سالِمٍ، عَنْ جابرٍ: بِمائَتَيْ دِرْهَمٍ. وقالَ داوُدُ بنُ قَيْسٍ، عَنْ عُبَيْدِ اللهِ بنِ مِقْسَمٍ، عَنْ جابرٍ: اشْتَرَاهُ بطَرِيقِ تَبوكَ، أحْسِبُهُ قالَ: بأرْبَعِ أوَاقٍ. وقالَ أبُو نَضْرَةَ: عَنْ جابرٍ: اشْتَرَاهُ بعِشْرِينَ دِيناراً. وقَوْلُ الشَّعْبِيّ: بأوقِيَّةٍ أكْثَرُ؛ الاشْتِرَاطُ أكْثَرُ وأصَحُّ عِنْدِي، قالَهُ أبُو عَبْدِ اللهِ.

(5) CHAPTER. Conditions in contracts (of share-cropping etc.).

(٥) بابُ الشُّرُوطِ في المُعَامَلَةِ

2719. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The *Anṣār* said to the Prophet ﷺ, "Divide our date-palms between us and our emigrant brothers." The Prophet ﷺ said, "No." The *Anṣār* said to the emigrants, "You may do the labour (in our gardens) and we will share the fruits with you." The emigrants said, "We hear and obey."

٢٧١٩ - حَدَّثَنا أبُو اليَمانِ: أخْبَرَنا شُعَيْبٌ: حدَّثَنا أبُو الزِّنادِ، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: قالَتِ الأنْصَارُ للنَّبيِّ ﷺ: اقْسِمْ بَيْنَنا وبَينَ إخْوَانِنا النَّخِيلَ قالَ: «لا»، فقال الأنْصارُ: «تَكْفُونَنَا المُؤنَةَ

ونُشْرِكُكُمْ في الثَّمَرَةِ»، قالُوا: سَمِعْنا وأَطَعْنا. [راجع: ٢٣٢٥]

2720. Narrated 'Abdullāh bin 'Umar رَضِيَ الله عَنْهُما: Allāh's Messenger ﷺ gave the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and they would get half of its yield.

٢٧٢٠ - حَدَّثَنا مُوسَى بنُ إسماعيلَ: حدَّثَنا جُوَيْرِيَةُ بنُ أسماءَ، عَنْ نافعٍ، عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ قالَ: أَعْطَى رَسُولُ اللهِ ﷺ خَيْبَرَ اليَهُودَ أنْ يَعْمَلُوها ويَزْرَعُوها ولَهُمْ شَطْرُ ما يَخْرُجُ مِنْها. [راجع: ٢٢٨٥]

(6) CHAPTER. The terms and the conditions of *Mahr* at the time of the marriage contract.

(٦) **بابُ الشُّرُوطِ في المَهْرِ عِنْدَ عُقْدَةِ النكاحِ**

'Umar said, "The rights are limited by the conditions, and you will get only what you stipulate."

Narrated Al-Miswar, "I heard the Prophet ﷺ once mentioning his son-in-law and praising him highly as a sincere son-in-law. He said, 'Whenever he talked to me, he spoke the truth and whenever he promised me, he fulfilled his promise.'"

وقالَ عُمَرُ: إنَّ مَقاطِعَ الحقُوقِ عِنْدَ الشُّرُوطِ، ولكَ ما شَرَطْتَ.

وقالَ المِسْوَرُ: سَمِعْتُ النَّبِيَّ ﷺ ذَكَرَ صِهْراً لَهُ فأثْنى عَلَيْهِ في مُصاهَرَتِهِ فأحْسَنَ، قالَ: حدَّثَني فَصَدَقَني ووَعَدَني فَوَفى لي.

2721. Narrated 'Uqba bin 'Āmir رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ said, "From among all the conditions which you have to fulfill, the conditions which make it legal for you to have sexual relations (i.e., the marriage contract) have the greatest right to be fulfilled."

٢٧٢١ - حَدَّثَنا عَبْدُ اللهِ بنُ يُوسُفَ: حدَّثَنا اللَّيْثُ قالَ: حدَّثَني يَزِيدُ بنُ أبي حَبِيبٍ، عَنْ أبي الخيرِ، عَنْ عُقْبَةَ بنِ عامِرٍ رَضِيَ اللهُ عَنْهُ قالَ: قالَ رَسُولُ اللهِ ﷺ: «أحَقُّ الشُّرُوطِ أنْ تُوفُوا بِهِ ما اسْتَحلَلْتُمْ بِهِ الفُرُوجَ». [انظر: ٥١٥١]

(7) CHAPTER. The conditions in share-cropping.

(٧) **بابُ الشُّرُوطِ في المُزَارَعَةِ**

2722. Narrated Rāfi' bin Khadij رَضِيَ الله عَنْهُ: We used to work in the fields more than the other *Anṣār*, and we used to rent the land (for the yield of a specific portion of it). But sometimes that portion or the rest of the land

٢٧٢٢ - حَدَّثَنا مالِكُ بنُ إسماعِيلَ: حدَّثَنا ابنُ عُيَيْنَةَ: حدَّثَنا يَحْيى بنُ سَعِيدٍ قالَ: سَمِعْتُ حَنْظَلَة

الزُّرَقِيَّ قالَ: سَمِعْتُ رَافِعَ بنَ خَدِيجٍ رَضِيَ اللهُ عَنْهُ يَقُولُ: كُنَّا أَكْثَرَ الأَنْصَارِ حَقْلاً فَكُنَّا نُكْرِي الأَرْضَ، فَرُبَّما أَخْرَجَتْ هذِهِ ولَمْ تُخرجْ ذِهِ، فَنُهِينا عَنْ ذٰلِكَ ولَمْ نُنْهَ عَنِ الوَرِقِ. [راجع: ٢٢٨٦]

did not give any yield, so we were forbidden (by the Prophet ﷺ) to follow such a system, but we were allowed to rent the land for money.

(٨) بابُ ما لا يَجُوزُ مِنَ الشُّرُوطِ في النِّكاحِ

(8) CHAPTER. The conditions which are not permissible in the contracts of marriage.

٢٧٢٣ - حَدَّثَنَا مُسَدَّدٌ: حدَّثَنا يَزِيدُ ابنُ زُرَيْعٍ: حدَّثَنا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قالَ: «لا يَبِيعُ حاضِرٌ لِبادٍ، ولا تَنَاجَشُوا ولا يَزِيدَنَّ عَلى بَيْعِ أخِيهِ، ولا يَخْطُبَنَّ عَلى خِطْبَتِهِ، ولا تَسْأَلِ المَرْأَةُ طَلاقَ أُخْتِها لِتَسْتَكْفِئَ إناءَها». [راجع: ٢١٤٠]

2723. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: The Prophet ﷺ said, "No town-dweller should sell for a bedouin. Do not practise *Najsh* (i.e., do not offer a high price for a thing which you do not want to buy, in order to deceive the people). No Muslim should offer more for a thing already bought by his Muslim brother, nor should he demand the hand of a girl already engaged to another Muslim. A Muslim woman shall not try to bring about the divorce of her sister (i.e., another Muslim woman) in order to take her place herself."

(٩) بابُ الشُّرُوطِ التي لا تَحِلُّ في الحُدُودِ

(9) CHAPTER. The conditions which are not permissible in the legal punishments prescribed by Allāh.

٢٧٢٤، ٢٧٢٥ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا لَيْثٌ، عَنِ ابنِ شِهابٍ، عَنْ عُبَيْدِ اللهِ ابنِ عَبْدِ اللهِ بنِ عُتْبَةَ بنِ مَسْعُودٍ، عَنْ أبي هُرَيْرَةَ وزَيْدِ بنِ خالِدٍ الجُهَنِيِّ رَضِيَ اللهُ عَنْهُما أنَّهُما قالا: إنَّ رَجُلاً مِنَ الأعْرَابِ أتَى رَسُولَ اللهِ ﷺ فَقالَ: يا رَسُولَ اللهِ، أنْشُدُكَ اللهَ ألَّا قَضَيْتَ لي بِكِتابِ اللهِ. فَقالَ الخَصْمُ الآخَرُ وهُوَ أفْقَهُ مِنْهُ: نَعَمْ،

2724, 2725. Narrated Abū Hurairah and Zaid bin Khālid Al-Juhanī رَضِيَ الله عَنْهُما: A bedouin came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! I ask you by Allāh to judge my case according to Allāh's Laws." His opponent, who was more learned than he, said, "Yes, judge between us according to Allāh's Laws, and allow me to speak." Allāh's Messenger ﷺ said, "Speak." He (i.e., the bedouin or the other man) said, "My son was working as a labourer for this (man) and he committed illegal sexual intercourse with his wife. The people told me that it was obligatory that my son should

be stoned to death. So, in lieu of that I ransomed my son by paying one hundred sheep and a slave-girl. Then I asked the religious scholars about it, and they informed me that my son must be lashed one hundred lashes, and be exiled for one year, and the wife of this (man) must be stoned to death." Allāh's Messenger ﷺ said, "By Him in Whose Hands my soul is, I will judge between you according to Allāh's Laws. The slave-girl and the sheep are to be returned to you, your son is to receive a hundred lashes and be exiled for one year. You, O Unais, go to the wife of this (man) and if she confesses her guilt, stone her to death." Unais went to that woman next morning and she confessed. Allāh's Messenger ﷺ ordered that she be stoned to death.

فاقْضِ بَيْنَنا بِكِتابِ اللهِ وائْذَنْ لي، فَقالَ رَسُولُ اللهِ ﷺ: «قُلْ»، قالَ: إنَّ ابْني كانَ عَسِيفاً عَلى هذا فَزَنى بامْرَأتِهِ وإنّي أُخْبِرْتُ أنَّ عَلى ابْني الرَّجْمَ فافْتَدَيْتُ مِنْهُ بِمائَةِ شاةٍ ووَلِيدَةٍ، فَسَألْتُ أهْلَ العِلْمِ فأخْبَرُوني أنَّما عَلى ابْني مِائَةُ جَلْدَةٍ وتَغْرِيبُ عامٍ، وأنَّ عَلى امْرَأةِ هذا الرَّجْمَ، فقالَ رَسُولُ اللهِ ﷺ: «والَّذي نَفْسي بِيَدِهِ لأقْضِيَنَّ بَيْنَكما بِكِتابِ اللهِ، الوَلِيدَةُ والغَنَمُ رَدٌّ عَلَيْكَ، وعَلى ابْنِكَ جَلْدُ مائَةٍ وتَغْرِيبُ عامٍ. اغْدُ يا أُنَيْسُ إلى امْرَأةِ هذا فإنِ اعْتَرَفَتْ فارْجُمْها». قالَ: فَغَدا عَلَيْها فاعْتَرَفَتْ فأمَرَ بِها رَسُولُ اللهِ ﷺ فَرُجِمَتْ.

[راجع: ٢٣١٤، ٢٣١٥]

(10) CHAPTER. The conditions permissible in the case of a slave who has a writing for emancipation, if he agrees to be sold to somebody else who promises to free him.

(١٠) بابُ ما يَجُوزُ مِنْ شُرُوطِ المُكاتَبِ إذا رَضِيَ بالبَيْعِ عَلى أنْ يُعْتَقَ

2726. Narrated Aiman Al-Makkī: When I visited 'Āishah رَضِيَ اللهُ عَنها, she said, "Barīra who had a written contract for her emancipation for a certain amount came to me and said, 'O Mother of the believers! Buy me and manumit me, as my masters will sell me.' 'Āishah agreed to it. Barīra said, 'My masters will sell me on the condition that my *Walā'*[1] will go to them.' 'Āishah said to her, 'Then I am not in need of you.' The Prophet ﷺ heard of that, or was told about it and so he asked 'Āishah, 'What is the problem of

٢٧٢٦ - حَدَّثَنا خَلّادُ بنُ يَحْيى: حدَّثَنا عَبْدُ الوَاحِدِ بنُ أيمَنَ المَكِّيُّ، عَنْ أبيهِ قالَ: دَخَلْتُ عَلى عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: دَخَلَتْ عَلَيَّ بَريرَةُ وهيَ مُكاتَبَةٌ فَقالَتْ: يا أُمَّ المُؤْمِنِينَ اشْتَريني فإنَّ أهْلي يبيعونني فأعْتِقيني، قالَتْ: نَعَمْ. قالَتْ: إنَّ أهْلي لا يَبيعُونني حتّى يَشْتَرِطُوا

(1) (H. 2726) *Walā'*: See the glossary.

Barīra?' He said, 'Buy her and manumit her, no matter what they stipulate.' 'Āishah added, 'I bought and manumitted her, though her masters had stipulated that her *Walā'* would be for them.' The Prophet ﷺ said, 'The *Walā'* is for the liberator, even if the other stipulated a hundred conditions.'"

ولائي، قالَتْ: لا حاجَةَ لي فِيكِ. فَسَمِعَ ذٰلكَ النَّبيُّ ﷺ أوْ بَلَغَهُ، فَقالَ: «ما شأنُ بَرِيرَةَ؟» فَقالَ: «اشْتريها فأعْتِقِيها، ولْيَشْتَرِطُوا ما شاؤُوا». قالَتْ: فاشْتَرَيْتُها فأعتَقْتُها، واشْتَرَطَ أهْلُها ولاءها. فَقالَ النَّبيُّ ﷺ: «الوَلاءُ لِمَنْ أعْتَقَ وإنِ اشْتَرَطُوا مائَةَ شَرْطٍ». [راجع: ٤٥٦]

(11) CHAPTER. Conditions concerning divorce.

(١١) بابُ الشُّرُوطِ في الطَّلاقِ

وقالَ ابنُ المُسَيَّبِ والحَسَنُ وعَطاءٌ: إنْ بَدَأَ بالطَّلاقِ أوْ أخَّرَ فَهُوَ أحَقُّ بِشَرْطِهِ.

2727. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ forbade:
(i) The meeting of the caravan (of goods) on the way,
(ii) That a residing person sells goods of a bedouin,
(iii) That a woman stipulates the divorce of the wife of the would be husband,
(iv) That a man tries to cause the cancellation of a bargain concluded by another. He also forbade *An-Najsh* and that one withholds the milk in the udder of an animal so that he may deceive people on selling it.
[See *Ḥadīth* 2656]

٢٧٢٧ - حَدَّثَنا مُحَمَّدُ بنُ عَرْعَرَةَ: حدَّثَنا شُعْبَةُ، عَنْ عَدِيِّ بنِ ثابِتٍ، عَنْ أبي حازِمٍ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ التَّلَقِّي، وأنْ يَبْتاعَ المُهاجِرُ لِلأعْرَابيِّ، وأنْ تَشْتَرِطَ المَرْأةُ طَلاقَ أُخْتِها، وأنْ يَسْتامَ الرَّجُلُ عَلى سَوْمِ أخِيهِ، ونَهَى عَنِ النَّجْشِ، وعَنِ التَّصْرِيَةِ». تابَعَهُ مُعاذٌ وعَبْدُ الصَّمَدِ عَنْ شُعْبَةَ. وقالَ غُنْدَرٌ وعَبْدُ الرَّحْمٰنِ: نُهِيَ. وقالَ آدَمُ: نُهِينا. وقالَ النَّضْرُ وحَجَّاجُ بنُ مِنْهالٍ: نَهَى. [راجع: ٢١٤٠]

(12) CHAPTER. Verbal conditions with the people.

(١٢) بابُ الشُّرُوطِ مَعَ النَّاسِ بالقَوْلِ

2728. Narrated Ubaī bin Ka'b رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Mūsa (Moses عليه

٢٧٢٨ - حَدَّثَنا إبْرَاهِيمُ بنُ

(السلام) the Messenger of Allāh," and then he narrated the whole story about him. Al-Khidr said to Mūsa, "Did I not tell you that you would not be able to have patience with me." (V.18:72). Mūsa then violated the agreement for the first time because of forgetfulness, then Moses promised that if he asked Al-Khidr about anything, the latter would have the right to desert him. Mūsa abided by that condition and on the third occasion he intentionally asked Al-Khidr and caused that condition to be applied. The three occasions referred to above are referred to by the following Verses:

'...Call me not to account for what I forgot, and be not hard upon me for my affair (with you).' (V.18:73)

'...Till they met a boy and he (Al-Khidr) killed him...'

'Then they both proceeded ... found therein a wall about to collapse and he (Al-Khidr) set it up straight...'"[1] (V.18:77)

مُوسَى: أَخْبَرَنَا هِشَامٌ: أَنَّ ابنَ جُرَيْجٍ أَخْبَرَهُ قالَ: أَخْبَرَنِي يَعْلَى بنُ مُسْلِمٍ، وعَمْرُو بنُ دِينارٍ، عَنْ سَعِيدِ بنِ جُبَيرٍ، يَزِيدُ أَحَدُهما عَلَى صَاحِبِهِ، وغَيرُهُما: قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدِ بنِ جُبَيرٍ قالَ: إِنَّا لَعِنْدَ ابنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُما قالَ: حَدَّثَني أُبَيُّ بنُ كَعْبٍ قالَ: قالَ رَسُولُ اللهِ ﷺ: «مُوسَى رسُولُ اللهِ»، فَذَكَرَ الحَدِيثَ. قالَ: ﴿أَلَمْ أَقُلْ إِنَّكَ لَن تَسْتَطِيعَ مَعِيَ صَبْرًا﴾ [الكهف: ٧٢] كانَتِ الأُولى نِسْياناً، والوُسْطَى شَرْطاً، والثَّالِثَةُ عَمْداً، ﴿قَالَ لَا تُؤَاخِذْنِي بِمَا نَسِيتُ وَلَا تُرْهِقْنِي مِنْ أَمْرِي عُسْرًا ﴿٧٣﴾﴾ [الكهف: ٧٣]، ﴿لَقِيَا غُلَامًا فَقَتَلَهُۥ﴾ ﴿فَانطَلَقَا حَتَّىٰٓ إِذَآ أَتَيَآ أَهْلَ قَرْيَةٍ اسْتَطْعَمَآ أَهْلَهَا فَأَبَوْا أَن يُضَيِّفُوهُمَا فَوَجَدَا فِيهَا جِدَارًا يُرِيدُ أَن يَنقَضَّ فَأَقَامَهُۥ﴾ [الكهف: ٧٧] قَرَأَها ابنُ عَبَّاسٍ (أَمامَهُمْ مَلِكٌ).

[راجع: ٧٤]

(13) CHAPTER. Conditions for *Walā'*.

(١٣) بابُ الشُّرُوطِ في الوَلاءِ

2729. Narrated 'Urwa: 'Āishah رَضِيَ اللهُ عَنها said, "Barīra came to me and said, 'My people (masters) have written the contract for my emancipation for nine *Awaq* (of gold) to be paid in yearly installments, one *Uqīya* per year; so help me.'" 'Āishah said (to her),

٢٧٢٩ - حَدَّثَنا إِسماعِيلُ: حَدَّثَنا مالِكٌ، عَنْ هِشامِ بنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عائِشَةَ قالَتْ: جاءَتْني بَرِيرَةُ فَقالَتْ: كاتَبْتُ أَهْلي عَلى تِسْعِ أَوَاقٍ

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(1) (H. 2728) In the second case Moses abided by the condition though there was no written agreement or witnesses. So when Khidr said to him, "This is the parting between me and you. 'Moses accepted his decision because it agreed with the condition he himself had set up.

“If your masters agree, I will pay them the whole sum provided the *Walā’* will be for me.” Barīra went to her masters and told them about it, but they refused the offer and she returned from them while Allāh’s Messenger ﷺ was sitting. She said, “I presented the offer to them, but they refused unless the *Walā’* would be for them.” When the Prophet ﷺ heard that and ‘Āishah told him about it, he said to her, “Buy Barīra and let them stipulate that her *Walā’* will be for them, as the *Walā’* is for the manumitter.” ‘Āishah did so. After that Allāh’s Messenger got up amidst the people, glorified and praised Allāh and said, “What is wrong with some people who stipulate things which are not in Allāh’s Laws? Any condition which is not in Allāh’s Laws is invalid even if there were a hundred such conditions. Allāh’s Rules are the most valid and Allāh’s Conditions are the most solid. The *Walā’* is for the manumitter.”

في كُلّ عام أوقيّةٌ فأعِينيني، فقالَتْ: إنْ أحَبُّوا أنْ أعُدَّها لهُمْ ويَكُونَ ولاؤُكِ لي فَعَلْتُ، فَذَهَبَتْ بَرِيرَةُ إلى أهْلِها فَقالَتْ لهُمْ فأبَوْا عَلَيْها. فجاءَتْ مِنْ عِنْدِهِمْ ورَسُولُ اللهِ ﷺ جالِسٌ فَقالَتْ: إنّي قدْ عَرَضْتُ ذلكَ عَلَيهِمْ فأبَوْا إلَّا أنْ يَكُونَ الوَلاءُ لهُمْ، فَسَمِعَ النَّبِيُّ ﷺ فأخْبَرَتْ عائِشَةُ النَّبِيَّ ﷺ فَقالَ: «خُذِيها واشْتَرِطي لهُمُ الوِلاءَ، فإنَّما الوَلاءُ لمَنْ أعْتَقَ». فَفَعَلَتْ عائِشَةُ، ثُمَّ قامَ رَسُولُ اللهِ ﷺ في النَّاسِ فَحَمِدَ اللهَ وأثْنَى عَلَيْهِ ثُمَّ قالَ: «ما بالُ رِجالٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ اللهِ، ما كانَ مِنْ شَرْطٍ لَيْسَ في كِتابِ اللهِ فَهُوَ باطِلٌ، وإنْ كانَ مائَةَ شَرْطٍ، قَضاءُ اللهِ أحَقُّ وشَرْطُ اللهِ أوْثَقُ، وإنَّما الوَلاءُ لمَنْ أعْتَقَ». [راجع: ٤٥٦]

(14) CHAPTER. If the landlord stipulates in the contract of share-cropping that he would terminate the contract whenever he likes.

(١٤) بابٌ إذا اشْتَرَطَ في المُزَارَعَةِ: إذا شِئْتُ أخْرَجْتُكَ

2730. Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُما: When the people of Khaibar dislocated ‘Abdullāh bin ‘Umar’s hands and feet, Umar got up delivering a *Khutba* (religious talk) saying, “No doubt, Allāh’s Messenger ﷺ made a contract with the Jews concerning their properties, and said to them, ‘We allow you (to stand in your land) as long as Allāh allows you.’ Now ‘Abdullāh bin ‘Umar went to his land and was attacked at night, and his hands and feet were dislocated, and as we have no enemies there except those Jews,

٢٧٣٠ - حَدَّثَنا أبُو أحْمَدَ: حدَّثَنا مُحَمَّدُ بنُ يَحْيَى أبُو غَسَّانَ الكِنانيُّ: أخْبرَنا مالِكٌ، عَنْ نافعٍ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما قالَ: لمَّا فَدَعَ أهْلُ خَيْبَرَ عَبْدَ اللهِ بنَ عُمَرَ قامَ عُمَرُ خَطِيباً فَقالَ: إنَّ رَسُولَ اللهِ ﷺ كانَ عامَلَ يَهُودَ خَيْبَرَ عَلى أمْوالِهِمْ وقالَ: «نُقِرُّكُمْ ما أقَرَّكُمُ

they are our enemies and the only people whom we suspect, I have made up my mind to exile them." When 'Umar decided to carry out his decision, one of Abū Al-Ḥuqīq's sons came and addressed 'Umar, "O chief of the believers, will you exile us although Muḥammad (ﷺ) allowed us to stay at our places, and made a contract with us about our properties, and accepted the condition of our residence in our land?" 'Umar said, "Do you think that I have forgotten the statement of Allāh's Messenger ﷺ, i.e.: What will your condition be when you are expelled from Khaibar and your camel will be carrying you night after night?" The Jew replied, "That was a joke from Abul-Qāsim." 'Umar said, "O the enemy of Allāh! You are telling a lie." 'Umar then drove them out and paid them the price of their properties in the form of fruits, money, camel saddles and ropes, etc."

اللهُ»، وإنَّ عَبْدَ اللهِ بنَ عُمَرَ خَرَجَ إلى مالِهِ هُناكَ فَعُدِيَ عَلَيْهِ مِنَ اللَّيْلِ فَفُدِعَتْ يَدَاهُ ورِجْلاهُ ولَيْسَ لَنا هُناكَ عَدُوٌّ غَيرُهُمْ هُمْ عَدُوُّنا وتُهْمَتُنا، وقَد رَأَيْتُ إجْلاءَهُمْ. فَلَمَّا أجْمَعَ عُمَرُ عَلى ذٰلكَ أتاهُ أحَدُ بَنِي أبي الحُقَيقِ فَقالَ: يا أميرَ المُؤْمِنِيْنَ، أتُخْرِجُنا وقَدْ أقَرَّنا مُحَمَّدٌ ﷺ وعامَلَنا عَلى الأمْوَالِ وشَرَطَ ذٰلكَ لَنا؟ فَقالَ عُمَرُ: أظَنَنْتَ أنّي نَسِيتُ قَوْلَ رَسُولِ اللهِ ﷺ: «كَيْفَ بِكَ إذَا أُخْرِجْتَ مِنْ خَيْبَرَ تَعْدُو بِكَ قَلوصُكَ لَيْلَةً بَعْدَ لَيْلَةٍ؟» فَقالَ: كَانَ ذٰلِكَ هُزَيْلَةً مِنْ أبي القاسِمِ، فَقالَ: كَذَبْتَ يا عَدُوَّ اللهِ، فأجْلاهُمْ عُمَرُ وأعْطاهُمْ قِيمَةَ ما كانَ لهُمْ مِنَ الثَّمَرِ مالاً وإبِلاً وعُرُوضاً مِنَ أقْتابٍ وحِبالٍ وغَيْرِ ذٰلكَ. رَوَاهُ حَمَّادُ بنُ سَلَمَةَ، عَنْ عُبَيْدِ اللهِ، أحْسِبُهُ عَنْ نافِعٍ، عَنِ ابنِ عُمَرَ، عَنْ عُمَرَ عَنِ النَّبِيِّ ﷺ اخْتَصَرَهُ.

(15) CHAPTER. The conditions of *Jihād* and peace treaties with (non-Muslim) warriors, and the writing of the conditions.

(١٥) بابُ الشُّرُوطِ في الجِهادِ والمُصالَحَةِ مَعَ أهْلِ الحَرْبِ وكِتابَةِ الشُّرُوطِ

2731, 2732. Narrated Al-Miswar bin Makhrama and Marwān whose narrations attest each other: Allāh's Messenger ﷺ set out at the time of *Al-Ḥudaibīya* (treaty), and when they proceeded for a distance, he said, "Khālid bin Al-Walīd leading the cavalry of Quraish constituting the front of the army, is at a place called Al-Ghamīm, so take the way

٢٧٣١، ٢٧٣٢ - حدَّثَني عَبْدُ اللهِ ابنُ مُحَمَّدٍ: حدَّثَنا عَبْدُ الرَّزَّاقِ: أخْبَرَنا مَعْمَرٌ قالَ: أخْبَرَني الزُّهْرِيُّ قالَ: أخْبَرَني عُرْوَةُ بنُ الزُّبَيرِ، عَنِ المِسْوَرِ بنِ مَخْرَمَةَ ومَرْوَانَ، يُصَدِّقُ

on the right." By Allāh, Khālid did not perceive the arrival of the Muslims till the dust arising from the march of the Muslim army reached him, and then he turned back hurriedly to inform Quraish. The Prophet ﷺ went on advancing till he reached the Thanīya (i.e., a mountainous way) through which one would go to them (i.e., people of Quraish). The she-camel of the Prophet ﷺ sat down. The people tried their best to cause the she-camel to get up but in vain, so they said, Al-Qaṣwā' (i.e., the she-camel's name) has become stubborn! Al-Qaṣwā' has become stubborn!" The Prophet ﷺ said, "Al-Qaṣwā' has not become stubborn, for stubbornness is not her habit, but she was stopped by Him Who stopped the elephant." Then he said, "By the Name of Him in Whose Hands my soul is, if they (i.e., the Quraish infidels) ask me anything which will respect the Ordinances of Allāh, I will grant it to them." The Prophet ﷺ then rebuked the she-camel and she got up. The Prophet ﷺ changed his way till he dismounted at the farthest end of Al-Ḥudaibīya at a pit (i.e., well) containing a little water which the people used in small amounts, and in a short while the people used up all its water and complained to Allāh's Messenger ﷺ of thirst. The Prophet ﷺ took an arrow out of his arrow-case and ordered them to put the arrow in that pit. By Allāh, the water started and continued sprouting out till all the people quenched their thirst and returned with satisfaction. While they were still in that state, Budail bin Warqa Al-Khuzā'i came with some persons from his tribe Khuza'a and they were the advisers of Allāh's Messenger ﷺ who would keep no secret from him and were from the people of Tihāma. Budail said, "I left Ka'b bin Lu'aī and 'Āmir bin Lu'aī residing at the profuse water of Al-

كُلُّ واحِدٍ مِنْهُما حَدِيثَ صَاحِبِهِ قالا: خَرَجَ رَسُولُ اللهِ ﷺ زَمَنَ الحُدَيْبِيَةِ حتَّى إذَا كانُوا بِبَعْضِ الطَّرِيقِ قالَ النَّبِيُّ ﷺ: «إنَّ خالِدَ بنَ الوَلِيدِ بالغَمِيمِ في خَيْلٍ لِقُرَيْشٍ طَلِيعَةً فَخُذُوا ذَاتَ اليَمِينِ»، فَوَاللهِ ما شَعَرَ بِهِمْ خالِدٌ حتَّى إذَا هُمْ بِقَتَرَةِ الجَيْشِ فانْطَلَقَ يَرْكُضُ نَذِيراً لِقُرَيْشٍ، وسارَ النَّبِيُّ ﷺ حتَّى إذَا كانَ بالثَّنِيَّةِ التي يُهْبَطُ عَلَيهِمْ مِنها بَرَكَتْ بِهِ رَاحِلَتُهُ. فَقالَ النَّاسُ: حَلْ حَلْ، فألَحَّتْ فَقالُوا: خَلأَتِ القَصْوَاءُ، خَلأَتِ القَصْوَاءُ. فَقالَ النَّبِيُّ ﷺ: «ما خَلأَتِ القَصْوَاءُ، وما ذَاكَ لَها بِخُلُقٍ ولكِنْ حَبَسَها حابِسُ الفِيلِ»، ثُمَّ قالَ: «والذِي نَفْسِي بِيَدِهِ لا يَسْألُونَنِي خُطَّةً يُعَظِّمُونَ فِيها حُرُماتِ اللهِ إلَّا أعْطَيْتُهُمْ إيَّاها». ثُمَّ زَجَرَها فَوَثَبَتْ، قالَ: فَعَدَلَ عَنْهُمْ حتَّى نَزَلَ بأقْصَى الحُدَيْبِيَةِ عَلى ثَمَدٍ قَلِيلِ الماءِ يَتَبَرَّضُهُ النَّاسُ تَبَرُّضاً، فَلَمْ يُلَبِّثْهُ النَّاسُ حتَّى نَزَحُوهُ وشُكِيَ إلى رَسُولِ اللهِ ﷺ العَطَشُ. فانْتَزَعَ سَهْماً مِنْ كِنانَتِهِ ثُمَّ أمَرَهُمْ أنْ يَجْعَلُوه فيهِ، فَوَاللهِ ما زَالَ يَجِيشُ لَهُمْ بالرِّيِّ حتَّى صَدَرُوا عَنْهُ فَبَيْنَما هُمْ كذلِكَ إذْ جاءَ بُدَيْلُ بنُ وَرْقاءَ الخُزَاعِيُّ في نَفَرٍ مِنْ قَوْمِهِ مِنْ خُزَاعَةَ وكانُوا عَيْبَةَ نُصْحِ رَسُولِ اللهِ

ﷺ مِنْ أَهْلِ تِهامَةَ فَقالَ: إنِّي تَرَكْتُ كَعْبَ بنَ لُؤَيٍّ وعامِرَ بنَ لُؤَيٍّ نَزَلُوا أَعْدَادَ مِياهِ الحُدَيْبِيَةِ ومَعَهُمُ العُوذُ المَطافِيلُ وهُمْ مُقاتِلوكَ وصَادُّوكَ عَنِ البَيْتِ. فَقالَ رَسُولُ اللهِ ﷺ: «إنَّا لَمْ نَجِئْ لِقِتالِ أحَدٍ ولٰكِنَّا جِئْنا مُعْتَمِرينَ، وإنَّ قُرَيْشاً قَدْ نَهِكَتْهُمُ الحَرْبُ وأضَرَّتْ بِهِمْ فإنْ شاؤُوا مادَدْتُهُمْ مُدَّةً ويُخَلُّوا بَيْني وبَيْنَ النَّاسِ فإن أظْهَرْ، فَإنْ شاؤُوا أنْ يَدْخُلُوا فِيمَا دَخَلَ فِيْهِ النَّاسُ فَعَلُوا وإلَّا فَقَدْ جَمُّوا. وإنْ هُمْ أبَوْا فَوالَّذِي نَفْسِي بِيَدِهِ لأُقاتِلَنَّهُمْ عَلى أمْرِي هذَا حَتَّى تَنْفَرِدَ سالِفَتِي، ولَيُنْفِذَنَّ اللهُ أمْرَهُ». فَقالَ بُدَيْلٌ: سَأُبَلِّغُهُمْ ما تَقُولُ. قالَ: فانْطَلَقَ حَتَّى أتَى قُرَيْشاً، قالَ: إنَّا قَدْ جِئْناكُمْ مِنْ هٰذَا الرجُلِ وسَمِعْناهُ يَقُولُ قَوْلاً، فإنْ شِئْتُمْ أنْ نَعْرِضَهُ عَلَيْكُمْ فَعلْنا. فَقالَ سُفَهاؤُهُمْ: لا حاجَةَ لَنا أنْ تُخْبِرَنا عَنْهُ بِشَيْءٍ. وقالَ ذَوُو الرأيِ مِنْهُمْ: هاتِ ما سَمِعْتَهُ يَقُولُ، قالَ: سَمِعْتُهُ يَقُولُ كَذَا وكذَا، فَحَدَّثَهُمْ بِما قالَ النَّبِيُّ ﷺ فَقامَ عُرْوَةُ بنُ مَسْعُودٍ فَقالَ: أيْ قَوْمِ، ألَسْتُمْ بالوَلَدِ؟ وَألَستِ بالوالِدِ قالُوا: بَلى، قالَ: فَهَلْ تَتَّهِمُوني؟ قالُوا: لا، قالَ: ألَسْتُمْ تَعْلَمُونَ أنّي اسْتَنْفَرْتُ أهْلَ عُكاظٍ فَلَمَّا بَلَّحُوا عَلَيَّ جِئْتُكُمْ بأهْلِي

Hudaibīya and they had milch camels (or their women and children) with them, and will wage war against you, and will prevent you from visiting the Ka'bah." Allāh's Messenger ﷺ said, "We have not come to fight anyone, but to perform the *'Umra*. No doubt, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people (i.e., the Arab infidels other than Quraish), and if I have victory over those infidels, Quraish will have the option to embrace Islām as the other people do, if they wish; they will at least get strong enough to fight. But if they do not accept the truce, by Allāh in Whose Hands my soul is, I will fight with them defending my Cause till I get killed, but (I am sure) Allāh will definitely make His Cause victorious." Budail said, "I will inform them of what you have said." So, he set off till he reached Quraish and said, "We have come from that man (i.e., Muḥammad ﷺ) whom we heard saying something which we will disclose to you if you should like." Some of the fools among Quraish shouted that they were not in need of this information, but the wiser among them said, "Relate what you heard him saying." Budail said, "I heard him saying so and so," relating what the Prophet ﷺ had told him. 'Urwa bin Mas'ūd got up and said, "O people! Aren't you the sons?" They said, "Yes." He added, "Am I not the father?" They said, "Yes." He said, "Do you mistrust me?" They said, "No." He said, "Don't you know that I invited the people of 'Ukāz for your help, and when they refused I brought my relatives and children and those who obeyed me (to help you)?" They said, "Yes." He said, "Well, this man (i.e., the Prophet ﷺ) has offered you a reasonable

proposal, you'd better accept it and allow me to meet him." They said, "You may meet him." So, he went to the Prophet ﷺ and started talking to him. The Prophet ﷺ told him almost the same as he had told Budail. Then 'Urwa said, "O Muḥammad! Won't you feel any scruple in extirpating your relations? Have you ever heard of anyone amongst the Arabs extirpating his relatives before you? On the other hand, if the reverse should happen, (nobody will aid you, for) by Allāh, I do not see (with you) dignified people, but people from various tribes who would run away leaving you alone." Hearing that, Abū Bakr abused him and said, "Do you say we would run and leave the Prophet ﷺ alone?" 'Urwa said, "Who is that man?" They said, "He is Abū Bakr." 'Urwa said to Abū Bakr, "By Him in Whose Hands my soul is, were it not for the favour which you did to me and which I did not compensate, I would retort on you." 'Urwa kept on talking to the Prophet ﷺ and seizing the Prophet's beard as he was talking while Al-Mughīra bin Shu'ba was standing near the head of the Prophet ﷺ, holding a sword and wearing a helmet. Whenever 'Urwa stretched his hand towards the beard of the Prophet ﷺ, Al-Mughira would hit his hand with the handle of the sword and say (to 'Urwa), "Remove your hand from the beard of Allāh's Messenger ﷺ." 'Urwa raised his head and asked, "Who is that?" The people said, "He is Al-Mughīra bin Shu'ba." 'Urwa said, "O treacherous! Am I not doing my best to prevent evil consequences of your treachery?" Before embracing Islām Al-Mughīra was in the company of some people. He killed them and took their property and came (to Al-Madīna) to embrace Islām. The Prophet ﷺ said (to him), "As regards your Islām, I accept it, but as for the property I do not take

ووَلَدِي ومَنْ أطاعَني؟ قالوا: بَلى، قالَ: فإنَّ هذا قَدْ عَرَض لَكُمْ خُطَّةَ رُشْدٍ، اقْبَلُوها ودَعُوني آتِهِ. قالُوا: ائْتِهِ، فأتاهُ فَجعَلَ يُكَلِّمُ النَّبيَّ ﷺ فَقالَ النَّبيُّ ﷺ نَحْواً مِنْ قَوْلِهِ لِبُدَيْلٍ. فَقالَ عُرْوَةُ عِنْدَ ذلكَ: أيْ مُحَمَّدُ، أرَأيْتَ إنِ اسْتَأصَلْتَ أمْرَ قَوْمِكَ، هَلْ سَمِعْتَ بأحَدٍ مِنَ العَرَبِ اجْتاحَ أهْلَه قَبْلَكَ؟ وإنْ تَكُنِ الأخْرَى، فإنِّي واللهِ لا أرَى وجُوهاً، وإنِّي لأرَى أشْوَاباً مِنَ النَّاسِ خَلِيقاً أنْ يَفِرُّوا ويَدَعُوكَ. فَقالَ لَهُ أبو بَكْرٍ رَضِيَ الله عَنْهُ: امْصَصْ بَظْرَ اللَّاتِ، أنَحْنُ نَفِرُّ عَنْهُ ونَدَعُهُ؟ فَقالَ: مَنْ ذَا؟ قالُوا: أبو بَكْرٍ، قالَ: أما والذي نَفْسِي بِيَدِهِ لَوْلا يَدٌ كانَتْ لكَ عِنْدِي لَمْ أجْزِكَ بِها لأجَبْتُكَ. قالَ: وجَعَلَ يُكَلِّمُ النَّبيَّ ﷺ فَكُلَّما تَكَلَّمَ كَلِمَةً أخَذَ بِلِحْيَتِهِ والمُغِيرَةُ بنُ شُعْبَةَ قائمٌ عَلى رَأسِ النَّبيِّ ﷺ ومَعَهُ السيْفُ وعَلَيْهِ المِغْفرُ. فَكُلَّما أهْوَى عُرْوَةُ بِيَدِهِ إلى لِحيَةِ النَّبيِّ ﷺ ضَرَبَ يَدَهُ بِنَعْلِ السَّيْفِ وقالَ لَهُ: أخِّرْ يَدَكَ عَنْ لِحيَةِ رَسُولِ اللهِ ﷺ، فَرَفَعَ عُرْوَةُ رَأسَهُ فقالَ: مَنْ هذا؟ قال: المُغِيرَةُ بنُ شُعْبَةَ، فَقالَ: أيْ غُدَرُ، ألَسْتُ أسْعَى في غَدْرَتِكَ؟ وكانَ المُغِيرَةُ صَحِبَ قَوْماً في الجاهِلِيَّةِ فَقَتَلَهُمْ وأخَذ

anything of it. (As it was taken through treason)." 'Urwa then started looking at the companions of the Prophet ﷺ. By Allāh, whenever Allāh's Messenger ﷺ spitted, the spittle would fall in the hand of one of them (i.e., the Prophet's companions) who would rub it on his face and skin; if he ordered them they would carry his orders immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke to him, they would lower their voices and would not look at his face constantly out of respect. 'Urwa returned to his people and said, "O people! By Allāh, I have been to the kings and to Caesar, Khosrau and An-Najāshi, yet I have never seen any of them respected by his courtiers as much as Muḥammad (ﷺ) is respected by his companions. By Allāh, if he spitted, the spittle would fall in the hand of one of them (i.e., the Prophet's companions) who would rub it on his face and skin; if he ordered them, they would carry out his order immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke, they would lower their voices and would not look at his face constantly out of respect." 'Urwa added, "No doubt, he has presented to you a good reasonable offer, so please accept it." A man from the tribe of Banī Kināna said, "Allow me to go to him," and they allowed him, and when he approached the Prophet ﷺ and his companions, Allāh's Messenger ﷺ said, "He is so-and-so who belongs to the tribe that respects the *Budn* (i.e., camels of the sacrifice). So, bring the *Budn* in front of him." So, the *Budn* were brought before him and the people received him while they were reciting *Talbīya*. When he saw that scene, he said, "Glorified be Allāh! It is not fair to prevent these people from visiting the

أَمْوالَهُمْ ثُم جاءَ فأَسْلَمَ. فَقالَ النَّبيُّ ﷺ: «أَمَّا الإِسْلامَ فأَقْبَلُ، وأَمَّا المَالَ فَلَسْتُ مِنْهُ في شَيْءٍ». ثُمَّ إنَّ عُرْوَةَ جَعَلَ يَرْمُقُ أَصْحابَ النَّبيِّ ﷺ بِعَيْنَيْهِ، قالَ: فَوَاللهِ ما تَنَخَّمَ رَسُولُ اللهِ ﷺ نُخامَةً إلَّا وَقَعَتْ في كَفِّ رَجُلٍ مِنْهُمْ فَدَلكَ بِها وَجْهَهُ وجِلْدَهُ. وإِذَا أَمَرَهُمُ ابْتَدَرُوا أَمْرَهُ. وإِذَا تَوَضَّأَ كادُوا يَقْتَتِلُونَ عَلى وَضُوئِهِ. وإِذَا تكَلَّمُوا خَفَضُوا أَصْوَاتَهُمْ عِنْدَهُ، وما يُحِدُّونَ إِلَيْهِ النَّظَرَ تَعْظِيماً لَهُ. فَرَجَعَ عُرْوَةُ إلى أَصْحابِهِ فَقالَ: أَيْ قَوْمِ، واللهِ لَقَدْ وفَدْتُ عَلى المُلوكِ ووَفَدْتُ عَلى قَيْصَرَ وكِسْرَى والنَّجاشِيِّ. واللهِ إنْ رأَيْتُ مَلِكاً قَطُّ يُعَظِّمُهُ أَصْحابُه ما يُعَظِّمُ أَصْحابُ مُحَمَّدٍ ﷺ مُحَمَّداً. واللهِ إنْ يَتَنَخَّمَ نُخامَةً إلَّا وقَعَتْ في كَفِّ رَجُلٍ مِنْهُمْ فَدَلكَ بِها وجْهَهُ وجِلْدَهُ. وإِذَا أَمَرَهُمُ ابْتَدَرُوا أَمْرَهُ، وإِذَا تَوَضَّأَ كادُوا يَقْتَتِلُونَ عَلى وَضُوئِهِ، وإِذَا تكَلَّمُوا خَفَضُوا أَصْوَاتَهُمْ عِنْدَهُ، وَما يُحِدُّونَ النَّظَرَ إِلَيْهِ تَعْظِيماً لَهُ. وَإِنَّهُ قَدْ عَرَضَ عَلَيْكُمْ خُطَّةَ رُشْدٍ فاقْبَلُوها، فَقالَ رَجُلٌ مِنْ بَنِي كِنانَةَ: دَعُوني آتِهِ، فَقالُوا: ائْتِهِ. فَلَمَّا أَشْرَفَ عَلى النَّبيِّ ﷺ وأَصحَابِهِ قالَ رَسُولُ اللهِ ﷺ: «هذَا فُلانٌ وَهُوَ مِنْ قَوْمٍ يُعَظِّمُونَ البُدْنَ فابْعَثُوها لَهُ»،

Ka'bah." When he returned to his people, he said, "I saw the *Budn* garlanded (with coloured knotted ropes) and marked (with stabs on their backs). I do not think it is advisable to prevent them from visiting the Ka'bah." Another person called Mikraz bin Ḥafṣ got up and sought their permission to go to Muḥammad ﷺ, and they allowed him, too. When he approached the Muslims, the Prophet ﷺ said, "Here is Mikraz and he is a vicious man." Mikrāz started talking to the Prophet ﷺ and as he was talking, Suhail bin 'Amr came. When Suhail bin 'Amr came, the Prophet ﷺ said, "Now the matter has become easy." Suhail said to the Prophet ﷺ, "Please conclude a peace treaty with us." So, the Prophet ﷺ called the clerk and said to him, "Write: By the Name of Allāh, the Most Gracious, the Most Merciful." Suhail said, "As for 'Gracious,' by Allāh, I do not know what it means. So write: By Your Name O Allāh, as you used to write previously." The Muslims said, "By Allāh, we will not write except: By the Name of Allāh, the Most Gracious, the Most Merciful." The Prophet ﷺ said, "Write: By Your Name O Allāh." Then he dictated, "This is the peace treaty which Muḥammad, the Messenger of Allāh has concluded." Suhail said, "By Allāh, if we knew that you are Allāh's Messenger we would not prevent you from visiting the Ka'bah, and would not fight with you. So, write: "Muḥammad bin 'Abdullāh." The Prophet ﷺ said, "By Allāh! I am Messenger of Allāh even if you people do not believe me. Write: Muḥammad bin 'Abdullāh." (Az-Zuhrī said, "The Prophet ﷺ accepted all those things, as he had already said that he would accept everything they would demand if it respects the Ordinance of Allāh, (i.e., by letting him and his companions perform *'Umra*.)" The

فَبُعِثَتْ لَهُ، واسْتَقْبَلَهُ النَّاسُ يُلَبُّونَ. فَلَمَّا رَأى ذٰلِكَ قالَ: سُبْحانَ اللهِ، ما يَنْبَغِي لِهٰؤُلاءِ أن يُصَدُّوا عَنِ البَيْتِ. فَلَمَّا رَجَعَ إلى أصْحابِهِ قالَ: رَأيْتُ البُدْنَ قَدْ قُلِّدَتْ وأُشْعِرَتْ، فما أرَى أنْ يُصَدُّوا عَنِ البَيْتِ. فَقامَ رَجُلٌ مِنْهُمْ يُقالُ لَهُ: مِكْرَزُ بنُ حَفْصٍ، فَقالَ: دَعُوني آتِيهِ، فَقالُوا: ائْتِهِ. فَلَمَّا أشْرَفَ عَلَيْهِمْ قالَ النَّبِيُّ ﷺ: «هذا مِكْرَزٌ وهُوَ رجلٌ فاجِرٌ»، فَجَعَلَ يُكَلِّمُ النَّبِيَّ ﷺ فَبَيْنما هُوَ يُكَلِّمُه إذ جاءَ سُهَيْلُ بنُ عَمْرٍو، قالَ مَعْمَرٌ: فأخْبَرَني أيُّوبُ، عَنْ عِكْرِمَةَ: أنَّهُ لَمَّا جاءَ سُهَيْلُ بنُ عَمْرٍو قالَ النَّبِيُّ ﷺ: «قَدْ سَهُلَ لَكُمْ مِنْ أمْرِكُمْ». قالَ مَعْمَرٌ: قالَ الزُّهْرِيُّ في حَدِيثِهِ: فَجاءَ سُهَيْلُ بنُ عَمْرٍو فَقالَ: هاتِ اكْتُبْ بَيْنَنا وبَيْنَكُمْ كِتاباً، فَدَعا النَّبِيُّ ﷺ الكاتِبَ فَقالَ النَّبِيُّ ﷺ اكتُبْ: «بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ»: فَقالَ سُهَيْلٌ: أمَّا الرَّحْمٰنُ فَوَاللهِ ما أدْرِي ما هِيَ، ولٰكِنِ اكْتُبْ: باسمِكَ اللَّهُمَّ، كما كُنْتَ تَكْتُبُ. فَقالَ المُسْلِمُونَ: واللهِ لا نَكْتُبُها إلا بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ. فَقالَ النَّبِيُّ ﷺ: «اكْتُبْ باسمِكَ اللَّهُمَّ». ثُمَّ قالَ: «هذا ما قاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللهِ»، فَقالَ سُهَيْلٌ: واللهِ لَوْ كُنَّا نَعْلَمُ أنَّكَ رَسُولُ

Prophet ﷺ said to Suhail, "On the condition that you allow us to visit the House (i.e., Ka'bah) so that we may perform *Tawāf* around it." Suhail said, "By Allāh, we will not (allow you this year) so as not to give chance to the 'Arabs to say that we have yielded to you, but we will allow you next year." So, the Prophet ﷺ got that written. Then Suhail said, "We also stipulate that you should return to us whoever comes to you from us, even if he embraced your religion." The Muslims said, "Glorified be Allāh! How will such a person be returned to the *Mushrikūn* (polytheists, idolaters, pagans) after he has become a Muslim?" While they were in this state Abū Jandal bin Suhail bin 'Amr came from the valley of Makkah staggering with his fetters and fell down amongst the Muslims. Suhail said, "O Muhammad! This is the very first term with which we make peace with you, i.e., you shall return Abū Jandal to me." The Prophet ﷺ said, "The peace treaty has not been written yet." Suhail said, "I will never allow you to keep him." The Prophet ﷺ said, "Yes, do." He said, "I won't do." Mikrāz said, "We allow you (to keep him)." Abū Jandal said, "O Muslims! Will I be returned to the pagans though I have come as a Muslim? Don't you see how much I have suffered?" Abū Jandal had been tortured severely for the Cause of Allāh. 'Umar bin Al-Khattab said, "I went to the Prophet ﷺ and said, 'Aren't you truly the Messenger of Allāh?' The Prophet ﷺ said, 'Yes, indeed.' I said, 'Isn't our cause just and the cause of the enemy unjust?' He said, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'I am Allāh's Messenger and I do not disobey Him, and He will make me victorious.' I said, 'Didn't you tell us that we would go to the Ka'bah and perform

اللهِ ما صَدَدْناكَ عَنِ البَيْتِ ولا قاتَلْناكَ. ولٰكِنِ اكْتُبْ: مُحَمَّدُ بنُ عَبْدِ اللهِ، فَقالَ النَّبِيُّ ﷺ: «واللهِ إنِّي لَرَسُولُ اللهِ وإنْ كَذَّبْتُمُوني، اكْتُبْ: مُحَمَّدُ بنُ عَبْدِ اللهِ». قالَ الزُّهْرِيُّ: وذلكَ لِقَوْلِهِ: «لا يَسْأَلُونَني خُطَّةً يُعَظِّمُونَ فِيها حُرُماتِ اللهِ إلَّا أعْطَيْتُهُمْ إيَّاها». فَقالَ لَهُ النَّبِيُّ ﷺ: «على أنْ تُخَلُّوا بَيْنَنا وبَيْنَ البَيْتِ فَنَطُوفَ بِهِ». فَقالَ سُهَيْلٌ: واللهِ لا تَتَحَدَّثُ العَرَبُ أنَّا أُخِذْنا ضُغْطَةً، ولٰكِنْ ذٰلكَ مِنَ العامِ المُقْبِلِ، فَكَتَبَ. فَقالَ سُهَيْلٌ: وعَلَى أنَّهُ لا يَأتِيكَ مِنَّا رَجُلٌ وإنْ كانَ عَلَى دِينِكَ إلَّا رَدَدْتَهُ إلَيْنا قالَ المُسْلِمُونَ: سُبْحانَ اللهِ، كَيْفَ يُرَدُّ إلى المُشْرِكِينَ وقَدْ جاءَ مُسْلِماً؟ فَبَيْنَما هم كذلكَ إذْ دَخَلَ أبُو جَنْدَلِ بْنُ سُهَيْلِ بن عَمْرٍو يَرْسُفُ في قُيُودِه. وقَدْ خَرَجَ مِنْ أسْفَلِ مَكَّةَ حتَّى رَمَى بِنَفْسِه بَينَ أظهُرِ المُسْلِمِيْنَ فَقالَ سُهَيلٌ: هذا يا مُحَمَّدُ أوَّلُ مَن أُقاضِيكَ عليهِ أنْ تَرُدَّهُ إليَّ. فَقالَ النَّبِيُّ ﷺ: «إنَّا لَمْ نقضِ الكتابَ بَعْدُ». قالَ: فَوَاللهِ إذاً لَمْ أُصالِحْكَ عَلى شَيْءٍ أبَداً. قالَ النَّبِيُّ ﷺ: «فأجِزْهُ لي»، قالَ: ما أنا بِمُجِيزِ ذٰلِكَ لكَ. قالَ: «بَلى فافعَلْ». قالَ: ما أنا بِفاعِلٍ. قالَ مِكْرَزٌ: بَلْ قَدْ

أجْزَناهُ لكَ. قالَ أبو جَنْدلٍ: أيْ مَعْشَرَ المُسْلمينَ، أُرَدُّ إلى المُشْرِكينَ وقَدْ جئتُ مُسْلماً؟ ألا تَرَوْنَ ما قَدْ لَقيتُ؟ وكانَ قَدْ عُذِّبَ عَذاباً شَديداً في اللهِ، قالَ: قالَ عُمَرُ بنُ الخَطَّابِ: فأتَيْتُ نَبيَّ اللهِ ﷺ فَقُلْتُ: ألَسْتَ نَبيَّ اللهِ حَقّاً؟ قالَ: «بَلى»، قُلْتُ: ألَسْنا عَلى الحَقِّ وعَدُوُّنا عَلى الباطِلِ؟ قالَ: «بَلى»، قُلْتُ: فَلِمَ نُعْطِي الدَّنِيَّةَ في دينِنا إذَنْ؟ قالَ: «إنِّي رَسُولُ اللهِ ولَسْتُ أعْصِيهِ، وهُوَ ناصِري». قُلْتُ: أوَ لَيْسَ كُنْتَ تحدِّثُنَا أنَّا سَنَأتي البَيْتَ فَنَطُوفُ بِهِ؟ قالَ: «بَلى، فأخْبَرْتُكَ أنَّا نَأتِيهِ العامَ؟» قالَ: قُلْتُ: لا، قالَ: «فإنَّكَ آتِيهِ ومُطَوِّفٌ بِهِ». قالَ: فأتَيْتُ أبَا بَكْرٍ، فَقُلْتُ: يا أبا بَكْرٍ، ألَيْسَ هذَا نَبِيَّ اللهِ حَقّاً، قالَ: بَلى، قُلْتُ: ألَسْنا عَلى الحَقِّ وعَدُوُّنا عَلى الباطِلِ؟ قالَ: بَلى، قُلْتُ: فَلِمَ نُعْطِي الدَّنِيَّةَ في دِينِنَا إذَنْ؟ قالَ: أيُّها الرَّجُلُ، إنَّهُ لَرَسُولُ اللهِ ﷺ ولَيْسَ يَعْصِي رَبَّهُ وهُوَ ناصِرُهُ، فاسْتَمْسِكْ بِغَرْزِهِ فَوَاللهِ إنَّهُ عَلى الحَقِّ، قُلْتُ: ألَيْسَ كانَ يُحَدِّثُنا أنَّا سَنَأتي البَيْتَ فَنطوّف بِهِ؟ قالَ: بَلى، أفَأخْبَرَكَ أنَّكَ تَأتِيهِ العامَ؟ قُلْتُ: لا. قالَ: فإنَّكَ آتِيهِ ومُطَوِّفٌ بِهِ. قالَ الزُّهْرِيُّ: قالَ

Tawāf around it?' He said, 'Yes, but did I tell you that we would visit the Ka'bah this year?' I said, 'No.' He said, 'So you will visit it and perform *Tawāf* around it' " 'Umar further said, "I went to Abū Bakr and said, 'O Abū Bakr! Isn't he truly Allāh's Prophet?' He replied, 'Yes.' I said, Isn't our cause just and the cause of our enemy unjust?' He replied, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'Indeed, he is Allāh's Mesenger and he does not disobey his Lord, and He will make him victorious. Adhere to him as, by Allāh, he is on the right.' I said, 'Was he not telling us that we would go to the Ka'bah and perform *Tawāf* around it?' He said, 'Yes, but did he tell you that you would go to the Ka'bah this year?' I said, 'No.' He said, 'You will go to Ka'bah and perform *Tawāf* around it'." (Az-Zuhrī said, " 'Umar said, 'I performed many good deeds as expiation for the improper questions I asked them'.") When the writing of the peace treaty was concluded, Allāh's Messenger ﷺ said to his companions, "Get up and slaughter your sacrifices and get your head shaved." By Allāh none of them got up, and the Prophet ﷺ repeated his order thrice. When none of them got up, he left them and went to Umm Salama and told her of the people's attitudes towards him. Umm Salama said, "O the Prophet of Allāh! Do you want your order to be carried out? Go out and don't say a word to anybody till you have slaughtered your sacrifice and call yur barber to shave your head." So, the Prophet ﷺ went out and did not talk to anyone of them till he did that, i.e., slaughtered the sacrifice a ıd called his barber who shaved his head. Se,ing that, the companions of the Prophet ﷺ got up, slaughtered their sacrifices, and started shaving the heads of one another, and there was so much rush that

there was a danger of killing each other. Then some believing women came (to the Prophet ﷺ); and Allāh تعالى revealed the following Divine Verses:

"O you who believe, when the believing women come to you as emigrants examine them... (up to).. the disbelieving women as wives." (V.60:10)

'Umar then divorced two wives of his who were infidels. Later on Mu'āwīya bin Abū Sufyān married one of them, and Ṣafwān bin Umaiyya married the other.

When the Prophet ﷺ returned to Al-Madīna, Abū Baṣīr, a new Muslim convert from Quraish came to him. The infidels sent in his pursuit two men who said (to the Prophet ﷺ, "Abide by the promise you gave us." So, the Prophet ﷺ handed him over to them. They took him out (of the city) till they reached Dhul-Hulaifa where they dismounted to eat some dates they had with them. Abū Baṣīr said to one of them, "By Allāh, O so-and-so, I see you have a fine sword." The other drew it out (of the scabbard) and said, "By Allāh, it is very fine and I have tried it many times." Abū Baṣīr said, "Let me have a look at it." When the other gave it to him, he hit him with it till he died, and his companion ran away till he came to Al-Madīna and entered the mosque running. When Allāh's Messenger ﷺ saw him he said, "This man appears to have been frightened." When he reached the Prophet ﷺ he said, "My companion has been murdered and I would have been murdered too." Abū Baṣīr came and said, "O Allāh's Messenger, by Allāh, Allāh has made you fulfil your obligations by your returning me to them (i.e., the infidels), but Allāh has saved me from them." The Prophet ﷺ said, "Woe to his mother! what an excellent war kindler he would be, should he only have

عُمَرُ: فَعَمِلْتُ لِذٰلِكَ أعْمَالاً. قالَ: فَلَمَّا فَرَغَ مِنْ قَضِيَّةِ الكِتابِ قالَ رَسُولُ اللهِ ﷺ لأصْحابِهِ: «قُومُوا فانْحَرُوا ثُمَّ احْلِقُوا»، قالَ: فَوَاللهِ ما قامَ مِنهُمْ رَجُلٌ حتَّى قالَ ذٰلِكَ ثَلاثَ مَرّاتٍ، فَلَمَّا لَمْ يَقُمْ مِنْهُمْ أحَدٌ دَخَلَ عَلى أُمِّ سَلَمَةَ فَذَكَرَ لَها ما لَقِيَ مِنَ النَّاسِ فَقالَتْ أُمُّ سَلَمَةَ: يا نَبِيَّ اللهِ، أتُحِبُّ ذٰلِكَ؟ اخْرُجْ ثُم لا تُكَلِّمْ أحَداً مِنْهُمْ كَلِمَةً، حتَّى تَنْحَرَ بُدْنَكَ، وتَدْعُوَ حالِقَكَ فَيَحْلِقَكَ. فَخَرَجَ فَلَمْ يُكَلِّمْ أحَداً مِنْهُمْ حتَّى فَعَلَ ذٰلِكَ. نَحَرَ بُدْنَهُ، ودَعا حالِقَهُ فَحَلَقَهُ. فَلَمَّا رَأوْا ذٰلكَ قامُوا فَنَحَرُوا وجَعَلَ بَعْضُهُمْ يَحْلِق بَعْضاً حتَّى كادَ بَعْضُهُمْ يَقْتُلُ بَعْضاً غَمّاً. ثُم جاءَهُ نِسْوَةٌ مُؤْمِناتٌ، فأنْزَلَ اللهُ تَعالى ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِذَا جَآءَكُمُ ٱلْمُؤْمِنَٰتُ مُهَٰجِرَٰتٍ فَٱمْتَحِنُوهُنَّ﴾ [الممتحنة: ١٠] حتَّى بَلَغَ: ﴿بِعِصَمِ ٱلْكَوَافِرِ﴾ فَطَلَّقَ عُمَرُ يَوْمَئِذٍ امْرَأتَينِ كانَتا لَهُ في الشِّرْكِ. فَتَزَوَّجَ إحْدَاهُما مُعاوِيَةُ بنُ أبي سُفْيانَ، والأُخْرَى صَفْوانُ بنُ أُمَيَّةَ. ثُم رَجَعَ النَّبِيُّ ﷺ إلى المَدِينَةِ فَجاءَهُ أبُو بَصِيرٍ رَجُلٌ مِنْ قُرَيْشٍ وهوَ مُسْلِمٌ، فأرْسَلُوا في طَلَبِهِ رَجُلَينِ، فَقالُوا: العَهْدَ الذي جَعَلْتَ لَنا. فَدَفَعَهُ إلى الرَّجُلَينِ، فَخَرَجا بِهِ حتَّى بَلَغا ذا الحُلَيْفَةِ،

supporters." When Abū Baṣīr heard that he understood that the Prophet ﷺ would return him to them again, so he set out and left till he reached the seashore. Abū Jandal bin Suhail got himself released from them (i.e., infidels) and joined Abū Basīr. So, whenever a man from Quraish embraced Islam he would follow Abu Basīr till they formed a strong group. By Allāh, whenever they heard about a caravan of Quraish heading towards Sham, they stopped it and attacked and killed them (i.e., infidels) and took their properties. The people of Quraish sent a message to the Prophet ﷺ requesting him for the sake of Allāh and kith and kin to send for (i.e., Abū Basīr and his companions) promising that whoever (amongst them) came to the Prophet ﷺ would be secure. So the Prophet ﷺ sent for them (i.e., Abū Basīr's companions) and Allāh تعالى revealed the following Divine Verses:

"And it is He Who has withheld their hands from you and your hands from them in the midst of Makkah, after He made you victors over them.. (up to).. pride and haughtiness, the pride and haughtiness of the time of ignorance." (V.48:24-26)

And their pride and haughtiness was that they did not confess (write in the treaty) that he (i.e., Muḥammad ﷺ) is the Prophet of Allāh and refused to write: "In the Name of Allāh, the Most Gracious, the Most Merciful," and prevented the Muslims from visiting the Ka'bah.

فَنَزَلُوا يَأْكُلُونَ مِنْ تَمْرٍ لَهُمْ، فَقَالَ أَبُو بَصِيرٍ لأَحَدِ الرَّجُلَيْنِ: واللهِ إِنِّي لأَرَى سَيْفَكَ هذَا يَا فُلانُ جَيِّداً، فَاسْتَلَّهُ الآخَرُ فَقَالَ: أَجَلْ واللهِ، إِنَّهُ لَجَيِّدٌ، لَقَدْ جَرَّبْتُ بِهِ ثُمَّ جَرَّبْتُ. فَقَالَ أَبُو بَصِيرٍ: أَرِنِي أَنْظُرْ إِلَيْهِ، فَأَمْكَنَهُ مِنه، فَضَرَبَهُ حَتَّى بَرَدَ وفَرَّ الآخَرُ حَتَّى أَتَى الْمَدِينَةَ، فَدَخَلَ الْمَسْجِدَ يَعْدُو، فَقَالَ رَسُولُ اللهِ ﷺ حِينَ رَآهُ: «لَقَدْ رَأَى هذَا ذُعْراً»، فَلَمَّا انْتَهَى إِلى النَّبِيِّ ﷺ قَالَ: قُتِلَ صَاحِبِي وإِنِّي لَمَقْتُولٌ. فَجَاءَ أَبُو بَصِيرٍ فَقَالَ: يَا نَبِيَّ اللهِ قَدْ واللهِ أَوْفَى اللهُ ذِمَّتَكَ، قَدْ رَدَدْتَنِي إِلَيهِم ثُمَّ أَنْجَانِي اللهُ مِنْهُمْ. قَالَ النَّبِيُّ ﷺ: «ويْلُ أُمِّهِ مِسْعَرَ حَرْبٍ لَوْ كَانَ لَهُ أَحَدٌ». فَلَمَّا سَمِعَ ذٰلِكَ عَرَفَ أَنَّهُ سَيَرُدُّهُ إِلَيهِمْ، فَخَرَجَ حَتَّى أَتَى سِيفَ الْبَحْرِ، قَالَ: ويَنْفَلِتُ مِنْهُمْ أَبُو جَنْدَلِ بنُ سُهَيْلٍ فَلَحِقَ بِأَبِي بَصِيرٍ، فَجَعَلَ لا يَخْرُجُ مِنْ قُرَيْشٍ رَجُلٌ قَدْ أَسْلَمَ إِلَّا لَحِقَ بِأَبِي بَصِيرٍ حَتَّى اجْتَمَعَتْ مِنْهُمْ عِصَابَةٌ، فَوَاللهِ مَا يَسْمَعُونَ بِعِيرٍ خَرَجَتْ لِقُرَيْشٍ إِلى الشَّامِ إِلَّا اعْتَرَضُوا لَهَا فَقَتَلُوهُمْ وأَخَذُوا أَمْوَالَهُمْ. فَأَرْسَلَتْ قُرَيْشٌ إِلى النَّبِيِّ ﷺ تُنَاشِدُهُ اللهَ والرَّحِمَ لَمَّا أَرْسَلَ: فَمَنْ أَتَاهُ فَهُوَ آمِنٌ، فَأَرْسَلَ النَّبِيُّ ﷺ إِلَيهِمْ فَأَنْزَلَ اللهُ تَعَالى ﴿وَهُوَ ٱلَّذِى

كَفَّ أَيْدِيَهُمْ عَنكُمْ وَأَيْدِيَكُمْ عَنْهُم بِبَطْنِ مَكَّةَ مِنۢ بَعْدِ أَنْ أَظْفَرَكُمْ عَلَيْهِمْ﴾ حتّى بَلَغَ ﴿الْحَمِيَّةَ حَمِيَّةَ الْجَاهِلِيَّةِ﴾ [الفتح: ٢٤-٢٦] كانَتْ حَمِيَّتُهُمْ أَنَّهُمْ لَمْ يُقِرُّوا أَنَّهُ نَبِيُّ اللهِ ولَمْ يُقِرُّوا بِبِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيمِ. وحالُوا بَيْنَهُمْ وبَيْنَ البَيْتِ. [راجع: ١٦٩٤، ١٦٩٥]

قال أبو عَبْدِ اللهِ: ﴿مَعَرَّةٌ﴾: العُرُّ: الجَرَبُ، ﴿تَزَيَّلُوا﴾: تَمَيَّزُوا، وَحَمَيْتُ القَوْمَ: منعتهم حماية، وأحميت الحمىٰ.

٢٧٣٣ - وقالَ عُقَيْلٌ عَنِ الزُّهْرِيِّ: قالَ عُرْوَةُ: فأَخْبَرَتْني عائِشَةُ أَنَّ رَسُولَ اللهِ ﷺ كانَ يَمْتَحِنُهُنَّ. وبَلَغَنا أَنَّهُ لَمَّا أَنْزَلَ اللهُ تَعالى أَنْ يَرُدُّوا إلى المُشْرِكِينَ ما أَنْفَقُوا عَلى مَنْ هاجَرَ مِنْ أَزْوَاجِهِمْ وحَكَمَ عَلى المُسْلِمِينَ أَنْ لا يُمْسِكُوا بِعِصَمِ الكَوَافِرِ، أَنَّ عُمَرَ طَلَّقَ امْرَأَتَيْنِ قَرِيبَةَ بِنتَ أَبي أُمَيَّةَ. وابْنَةَ جَرْوَلٍ الخُزَاعِيِّ، فَتَزَوَّجَ قَرِيبَةَ مُعاوِيَةُ ابنُ أَبي سُفْيانَ، وتَزَوَّجَ الأُخْرَى أَبُو جَهْمٍ. فَلَمَّا أَبى الكُفَّارُ أَنْ يُقِرُّوا بِأَدَاءِ ما أَنْفَقَ المُسْلِمُونَ عَلى أَزْوَاجِهِمْ أَنْزَلَ اللهُ تَعالى: ﴿وَإِن فَاتَكُمْ شَيْءٌ مِّنْ أَزْوَاجِكُمْ إِلَى الْكُفَّارِ فَعَاقَبْتُمْ﴾ [الممتحنة: ١١] والعَقْبُ ما يُؤَدِّي المُسْلِمُونَ إلى مَنْ هاجَرَتِ امْرَأَتُهُ مِنَ

2733. Narrated Az-Zuhrī: 'Urwa said, " 'Āishah told me that Allāh's Messenger ﷺ used to examine the women emigrants. We have been told also that when Allāh تعالى revealed the order that the Muslims should return to the *Mushrikūn* (polytheists, idolaters, pagans) what they had spent on their wives who emigrated (after embracing Islām) and that the Muslims should not keep disbelieving women as their wives, 'Umar divorced two of his wives, Qarība, the daughter of Abū Umaiyya and the daughter of Jarwal Al-Khuzā'ī. Later on Mu'āwīya married Qarība and Abū Jahm married the other."

When the *Mushrikūn* refused to pay what the Muslims had spent on their wives, Allāh تعالى revealed:

"And if any of your wives had gone from you to the disbelievers ....." (V.60:11)

So, Allāh ordered that the Muslim whose wife has gone, should be given, as a compensation of the *Mahr* he had given to his wife, from the *Mahr* of the wives of the *Mushrikūn* who had emigrated deserting their husbands.

الكُفَّارِ، فأمَرَ أنْ يُعْطَى مَنْ ذَهَبَ لَهُ زَوْجٌ مِنَ المُسْلِمِيْنَ ما أنْفَقَ مِن صَدَاقِ نِساءِ الكُفَّارِ اللاتي هاجَرْنَ، وما نَعْلَمُ أحَداً مِنَ المُهاجِرَاتِ ارْتَدَّتْ بَعْدَ إيمانها. وبَلَغنا أنَّ أبا بَصيرِ بنَ أَسيدٍ الثَّقَفِيَّ قَدم عَلى النَّبيِّ ﷺ مُؤْمِناً مُهاجِراً في المُدَّة، فَكَتَبَ الأخْنَسُ بنُ شُريقٍ إلى النَّبيِّ ﷺ يَسْألُهُ أبا بَصيرٍ، فَذَكَرَ الحديثَ. [راجع: ٢٧١٣]

We do not know any of the women emigrants who deserted Islam after embracing it. We have also been told that Abū Basīr bin Asīd Ath-Thaqafi came to the Prophet ﷺ as a Muslim emigrant during the truce. Al-Akhnas bin Sharīq wrote to the Prophet ﷺ requesting him to return Abū Basīr.

(١٦) بابُ الشُّرُوطِ في القَرْض

(16) CHAPTER. Conditions in loans.

وقالَ ابنُ عُمَرَ وعَطاءٌ رَضِيَ اللهُ عَنْهُما: إذَا أجَّلَهُ في القَرضِ جازَ.

Ibn 'Umar رَضِيَ الله عَنْهُما and 'Aṭā' said, "If one lends something for a certain period, the debt is valid."

٢٧٣٤ - وقالَ اللَّيْثُ: حدَّثني جَعْفَرُ ابنُ رَبيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بنِ هُرْمُزَ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ: أنَّهُ ذَكَرَ رَجُلاً سَألَ بَعْضَ بَني إسْرَائِيلَ أنْ يُسْلِفَهُ ألْفَ دِينارٍ، فَدَفَعَها إلَيْهِ إلى أجَلٍ مُسَمًّى. [راجع: ١٤٩٨]

2734. Narrated Abū Hurairah رَضِيَ الله عَنْهُ: Allāh's Messenger ﷺ mentioned a person who asked an Israēlī man to lend him one thousand Dinārs, and the Israēlī lent him the sum for a certain fixed period.

(١٧) بابُ المُكاتَب، وما لا يَحِلُّ مِنَ الشُّرُوطِ التي تُخالِفُ كِتابَ اللهِ

(17) CHAPTER. *Al-Mukātab* (i.e., the slave who is given the writing of emancipation for a certain sum) and about the invalidity of those conditions which contradict Allāh's Laws.

وقالَ جابِرُ بنُ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُما في المُكاتَب: شُرُوطُهم بَيْنَهُمْ. وقالَ ابنُ عُمَرَ أوْ عُمَرُ رضِيَ اللهُ عَنْهُمَا: كُلُّ شَرْطٍ خالَفَ كِتابَ اللهِ فَهُوَ باطِلٌ، وَإن اشْتَرَطَ مائَةَ شَرْطٍ.

Jābir bin 'Abdullāh رَضِيَ الله عَنْهُما said regarding *Al-Mukātab*, "Their conditions are those which are mutually agreed upon by them." Ibn 'Umar or 'Umar said, "Any condition which is against Allāh's Laws, is invalid, even if one stipulates a hundred such conditions."

2735. Narrated 'Amra: 'Āishah رَضِيَ اللهُ عَنْها said that Barira came to seek her help in the writing of her emancipation. 'Āishah said to her, "If you wish, I will pay your masters (your price) and the *Walā'* will be for me." When Allāh's Messenger ﷺ came, she told him about it. The Prophet ﷺ said to her, "Buy her (i.e., Barira) and manumit her, for the *Walā'* is for the one who manumits." Then Allāh's Messenger ﷺ ascended the pulpit and said, "What about those people who stipulate conditions which are not present in Allāh's Laws? Whoever stipulates such conditions as are not present in Allāh's Laws, then those conditions are invalid even if he stipulted a hundred such conditions."

(18) CHAPTER. What kinds of conditions are permissible; and what is exempted from the decision; and the conditions which are well-known amongst the people, and if somebody says, "One hundred minus one or two."

Narrated Ibn Sīrīn: A man said to a hirer of animals, "Prepare your travelling animals, and if I should not go with you on such and such day, I shall pay you one hundred Dirhams," but he did not go on that day. Shuraih said, "If anyone puts a condition on himself of his own free will without being under duress, he has to abide by it."

Narrated Ayyūb from Ibn Sīrīn: A man sold foodstuff and the buyer told the seller that if he did not come to him on Wednesday, then the deal would be cancelled (i.e., invalid) and he did not turn up on that day." Shuraih said to the buyer, "You have broken your promise," and gave the verdict against him.

٢٧٣٥ - حَدَّثَنَا عَلِيُّ بن عَبْدِ الله: حدَّثَنا سُفْيانُ، عَنْ يَحْيى، عَنْ عَمْرَةَ، عَنْ عائِشَةَ رَضِيَ اللهُ عَنْها قالَتْ: أَتَتْها بَرِيرَةُ تَسْأَلُها في كِتابَتِها فَقالَتْ: إنْ شِئْتِ أَعْطَيْتُ أَهْلَكِ ويَكُونُ الوَلاءُ لِي. فَلَمَّا جاءَ رَسُولُ الله ﷺ ذَكَّرْتُهُ ذٰلِكَ. قالَ النَّبِيُّ ﷺ: «ابْتاعِيها فأَعْتِقِيها فإنَّما الوَلاءُ لِمَنْ أَعْتَقَ». ثُمَّ قامَ رَسُولُ الله ﷺ عَلى المِنْبَرِ فَقالَ: «ما بالُ أَقْوامٍ يَشْتَرِطُونَ شُرُوطاً لَيْسَتْ في كِتابِ الله؟ مَنِ اشْتَرَطَ شَرْطاً لَيْسَ في كِتابِ اللهِ. فَلَيْسَ لَهُ وإِنْ اشْتَرَطَ مائَةَ شَرْطٍ». [راجع: ٤٥٦]

(١٨) بابُ ما يَجُوزُ مِنَ الاشْتِراطِ، والثُّنْيا في الإِقْرارِ، والشُّرُوطِ التي يَتَعارَفُهُ النَّاسُ بَيْنَهُمْ. وإذا قالَ: مائَةٌ إلَّا واحِدَةً أَوْ ثِنْتَين

وقالَ ابنُ عَوْنٍ، عَنِ ابن سِيرينَ، قالَ الرجل لِكَرِيِّهِ: أَدْخِلْ رِكابَكَ، فإنْ لَمْ أَرْحَلْ مَعَكَ يَوْمَ كَذا وكَذا فَلَكَ مِائَةُ دِرْهَمٍ فَلَمْ يَخْرُجْ، فَقالَ شُرَيْحٌ: مَنْ شَرَطَ عَلى نَفْسِهِ طائِعاً غَيْرَ مُكْرَهٍ فَهُوَ عَلَيْهِ. وقالَ أَيُّوبُ، عَنِ ابن سِيرينَ: إنَّ رَجُلاً باعَ طَعاماً وقالَ: إنْ لَمْ آتِكَ الأَربعاءَ فَلَيْسَ بَيْني وبَيْنَكَ بَيْعٌ، فَلَمْ يَجِئْ فَقالَ شُرَيْحٌ لِلْمُشْتَري: أَنْتَ أَخْلَفْتَ فَقَضَى عَلَيْهِ.

2736. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Allāh has ninety-nine names, i.e., one hundred less one, and whoever counts them (believes in their meanings and acts accordingly) will enter Paradise." (Please see *Ḥadīth* No.6410 Vol.8)

٢٧٣٦ - حَدَّثَنَا أَبُو اليمان: أخبرَنا شُعَيْبٌ: حدَّثنا أبو الزّناد، عَنِ الأعْرَجِ، عَنْ أبي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ؛ أنَّ رَسُولَ الله ﷺ قالَ: «إنَّ لله تِسْعةً وتِسْعِينَ اسماً؛ مِائَةً إلَّا وَاحِداً مَنْ أحْصَاها دَخَلَ الجَنَّةَ». [انظر: ٦٤١٠، ٧٣٩٢]

(19) CHAPTER. Conditions in *Waqf* (i.e., religious endowment).

(١٩) بابُ الشُّرُوطِ في الوَقْفِ

2737. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُما: 'Umar bin Al-Khaṭṭāb got some land in Khaibar and he went to the Prophet ﷺ to consult him about it, saying, "O Allāh's Messenger I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?" The Prophet ﷺ said, "If you like you can give the land as endowment and give its fruits in charity." So 'Umar gave it in charity as an endowment on the condition that it would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the kith and kin, for freeing slaves, for Allāh's Cause, to the travellers and guests; and that there would be no harm if the guardian of the endowment ate from it with *Ma'rûf* (according to his labour with good intention), and fed others without storing it for the future..."

٢٧٣٧ - حَدَّثَنَا قُتَيْبَةُ بنُ سَعِيدٍ: حدَّثَنا مُحَمَّدُ بنُ عَبْدِ اللهِ الأنْصارِيُّ: حدَّثَنا ابنُ عَوْنٍ قالَ: أنْبَأني نافِعٌ، عَنِ ابنِ عُمَرَ رَضِيَ اللهُ عَنْهُما: أنَّ عُمَرَ بنَ الخَطَّابِ أصَابَ أرْضاً بخَيْبَرَ فأتَى النَّبيَّ ﷺ يَسْتَأمِرُهُ فِيها، فَقالَ: يا رَسُولَ اللهِ، إنِّي أصَبْتُ أرْضاً بِخَيْبَرَ، لَمْ أُصِبْ مالاً قَطُّ أنْفَسَ عِنْدِي مِنْهُ، فَما تَأمُرني بِهِ؟ قالَ: «إنْ شِئْتَ حَبَسْتَ أصْلَها وتَصَدَّقْتَ بِها». قالَ: فَتَصَدَّقَ بِها عُمَرُ أنَّهُ لا يُباعُ ولا يُوهَبُ ولا يُورَثُ، وتَصَدَّقَ بِها في الفُقَرَاءِ وفي القُرْبى وفي الرِّقابِ وفي سَبِيلِ اللهِ وابنِ السَّبِيلِ والضَّيْفِ، لا جُناحَ عَلى مَنْ وَلِيَها أنْ يأكُلَ مِنْها بالمَعْرُوفِ ويُطْعِمَ غَيْرَ مُتَمَوِّلٍ.

قالَ: فَحَدَّثْتُ بِهِ ابنَ سِيرِينَ. فَقالَ: غَيْرَ مُتَأَثِّلٍ مالاً. [راجع: ٢٣١٣]